

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18-cv-048645-EMC

IN RE TESLA SECURITIES LITIGATION

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF'S ATTORNEY:	DEFENSE ATTORNEYS:
Edward M. Chen	Nicholas Porritt, Elizabeth Tripodi, Alexander Krot, Joseph Levi, Adam Apton	Alexander Spiro, Andrew Rossman, Phillip Jobe, Ellyde Thompson, Jesse Bernstein, Michael Lifrak, Anthony Alden, Matthew Alexander Bergjans, William Price
TRIAL DATE:	REPORTERS:	CLERK:
January 25, 2023	Belle Ball	Vicky Ayala

PLF NO.	DEF NO	TIME OFFERED	ID	ADM	DESCRIPTION
		8:18 a.m.			Court in session. Housekeeping matters discussed outside the presence of the jury. Counsel for Plaintiff informed the Court that he expected to call Deepak Ahuja, Joseph Fath, and Antonio Gracias to testify today; the Court had already ruled on evidentiary objections for Mr. Ahuja and Mr. Fath. Counsel for Plaintiff informed the Court that the parties had agreed on the deposition excerpts and associated exhibits for Mr. Fath. At Plaintiff's request, the Court then admitted Exhibits 39, 40, 41, 42, 44, 46, and 47 (over Defendants' maintained objections). The parties assured the Court that they would have the redacted version of Exhibit 121 ready by Friday, January 27. Counsel for Defendants informed the Court that they were withdrawing Exhibit 711, which they had originally planned to use with Mr. Gracias. Counsel for Plaintiff informed the Court that they were withdrawing their objection to Exhibit 318, which Defendants had sought to use with Mr. Gracias. Counsel for Plaintiff noted that they were not going to seek to independently admit Exhibits 165 or 178 with Mr. Gracias, although it was possible that they would use them to refresh recollection. As a result of these developments, there were no remaining evidentiary objections for Mr. Gracias. Counsel for Defendants informed the Court that Plaintiffs had streamlined the witnesses yesterday evening which Defendants appreciated. The Courtroom Deputy announced the trial time elapsed so far: Plaintiffs had used eight hours and eighteen minutes, and Defendants had used nine hours and thirteen minutes. The Court announced that the Jury would let the Court know by the break today whether the Jury could stay for an extra hour or ninety minutes on Friday.

		8:30 a.m.			Jury present.
		8:31 a.m.			Witness, Deepak Ahuja , approached the witness stand and sworn for testimony. Direct examination by Adam Apton.
78			X	X	Email from Ron Baron to Deepak Ahuja dated 8/1/2018 re Jackie Robinson, Mandela, MLK, Ghandi, Reed Hastings.
321			X	X	Tweet dated 7/15/2018.
79			X	X	Text Messages from cell phone of Deepak Ahuja. Admitted subject to redactions.
82			X	X	Minutes from Tesla Board Meeting dated 8/2/18.
84			X	X	Email from Martin Viecha to Deepak Ahuja dated 8/5/2015 re Share Ownership.
86			X	X	Email from Martin Viecha to Deepak Ahuja dated 8/6/2018 re Share Ownership.
503			X	X	Email from Elon Musk to Sarah O'Brien dated 8/7/2018 re Draft Email 420.
89			X	X	Minutes from Tesla Board Meeting dated 8/7/2018.
		9:22 a.m.			Cross-examination of witness by Andrew Rossman.
		10:05 a.m.			Jury admonished and excused for break.
		10:06 a.m.			Court in recess.
		10:30 a.m.			Court reconvened. The Court informed the parties that the Jury was willing to stay until 3:30pm on Friday, January 27, and that the parties should plan their witnesses accordingly.
		10:35 a.m.			Jury present.
		10:36 a.m.			Cross-examination of witness by Andrew Rossman resumes.
92			X	X	Email from Elon Musk to Todd Maron dated 8/10/2018 re From Yasir of Arabia.
		10:55 a.m.			Re-direct examination of witness by Adam Apton.
		11:04 a.m.			Witness excused.
		11:05 a.m.			Video Deposition of Plaintiff's Witness Joseph Fath played.
		11:55 a.m.			Video Deposition Concludes.
		11:56 a.m.			Jury excused for break.
		11:57 a.m.			Court in recess.
		12:23 a.m.			Court reconvened.
		12:30 p.m.			Jury present.
		12:31 p.m.			Witness, Antonio Gracias , approached the witness stand and sworn for testimony. Direct examination by Elizabeth Tripodi.
130			X	X	Statement from Tesla's Board of Directors dated 8/8/2018.
		1:01 p.m.			Cross-examination of witness by Alexander Spiro.
802			X	X	Email from Antonio Gracias to Elon Musk dated 8/2/2019 re Offer to Take Tesla Private at \$420.
798			X	X	Email from Antonio Gracias to Robert Steel dated 8/8/2018 re A Few Things.....Aspen Institute and Business.
		1:48 p.m.			Re-direct examination of witness by Elizabeth Tripodi.
		1:51 p.m.			Witness excused.
		1:55 p.m.			Jury admonished and excused.

		1:56 p.m.			Housekeeping matters discussed outside the presence of the Jury. Counsel for Plaintiff indicated that the likely witnesses for the next day of trial were Ryan Brinkman (who will be testifying through his deposition); Mr. Durban, Mr. Dees, Mr. Buss, and Ms. Denholm. Defendants objected to the video deposition of Ryan Brinkman; objections overruled. Counsel for Defendants and Plaintiff noted for the record that the agreement between Defendants and Plaintiff regarding Mr. Brinkman's deposition excerpts was subject to the reservation of objections previously lodged with the Court. The Court confirmed with the parties that they had already submitted their evidentiary objections subject to the witnesses scheduled for the next day of trial.
		1:58 p.m.			Court adjourned.